

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

JASON LEE BOLEN

PLAINTIFF

v.

CIVIL ACTION NO. 1:20-CV-144-DAS

COMMISSIONER OF SOCIAL SECURITY

DEFENDANT

**ORDER GRANTING
PAYMENT OF ATTORNEY'S FEES**

On April 26, 2022, the plaintiff Jason Lee Bolen filed a motion for an award of attorney's fees of \$9,061.21 paid pursuant to the Equal Access to Justice Act, 28 U.S.C. Section 2412(d) for 42.45 hours of work. Docket 32. Counsel for the plaintiff performed work on this case in 2020, 2021, and 2022 and calculates the requested award based on the hourly rates as follows: \$203.93 for work performed in 2020, \$214.28 for work performed in 2021, and \$228.50 for work performed in 2022. *Id.* The plaintiff also requests reimbursement of the \$400.00 filing fee under 28 U.S.C. § 2412(a). *Id.*

The Commissioner responded that it does not object to the hourly rates for attorney's fees or the total request for EAJA fees. Docket 33. However, the Commissioner states that the \$400.00 filing fee is a "court cost" which is payable from the Judgment Fund and requests that the filing fee be paid from the Judgment Fund and not assessed against the Commissioner. *Id.*

The Court has reviewed the motion and the record and concludes that the motion is well taken. It is

ORDERED

That the defendant pay the plaintiff \$9,061.21 in attorney's fees under the Equal Access to Justice Act. This award is to be paid to the plaintiff for the benefit of his attorney, Keith S.

Carlton. The defendant is further ordered to reimburse the plaintiff for the \$400.00 filing fee from the Judgment Fund.

SO ORDERED, this the 5th day of May, 2022.

/s/ David A. Sanders

UNITED STATES MAGISTRATE JUDGE